

United States District Court

For the Northern District of California

1
2
3
4
5
6 CLAYTON ANDREW PERRY, et al.,
7

8 Plaintiffs,
9

10 v.
11

12 MATTHEW EPSTEIN, JACOB Y.
13 CUADREZ, STEVE HEISINGER,
14 IAN MADDISON, MILL VALLEY
15 POLICE DEPARTMENT, AND
CITY OF MILL VALLEY,
16

Defendants.
17 _____ /
18

On August 29, 2006, the Court conducted a further telephonic status conference in this matter. In its Order following the conference (filed on August 30, 2006), the Court Ordered Defendants to lodge with this Court for *in camera* review, by September 15, 2006, portions of the personnel files of Officers Epstein, Cuadrez and Heisinger regarding any disciplinary proceedings or complaints (from within or outside the Mill Valley police department) about conduct arguably similar to any of the misconduct alleged by Plaintiffs in this action. As ordered, on September 15, 2006, counsel for Defendants lodged relevant files, accompanied by a letter describing the files lodged and asserting substantive arguments as to why counsel believed they should not be produced to Plaintiffs.

1 Defendants' counsel lodged the following documents provided by the Mill Valley
2 Police Department, all of which relate to Officer Epstein and all of which the Court has
3 now reviewed:

- 4 (1) Internal Affairs Investigation file #02-01 regarding Officer Epstein
5 (2) Internal Affairs Investigation file #05-03 regarding Officer Epstein
6 (3) Internal Affairs Investigation file #05-04 regarding Officer Epstein

7 In his letter accompanying the documents, Defendants' counsel explained that there were
8 no relevant files to be produced for any of the other officers.

9 Having completed its review, the Court now ORDERS Defendants to produce to
10 Plaintiffs **immediately** Internal Affairs Investigation file #05-04 regarding Officer
11 Epstein. Files #02-01 and #05-03 need not be produced.

12 All documents produced pursuant to this Order are subject to the following
13 **Protective Order**, which the Court now enters: All documents produced are to be used
14 for purposes of this litigation only. Contents of the files may not be disclosed to any
15 person outside this litigation. At the conclusion of this matter, Plaintiffs must promptly
16 return to Defendants' counsel all copies of the documents.

17 IT IS SO ORDERED.

18 */s/ Wayne D. Brazil*

19 Dated: September 28, 2006

20

WAYNE D. BRAZIL
United States Magistrate Judge

21 Copies to:
22 Parties, WDB, Stats,

23
24
25
26
27
28